



California Regulatory Notice Register

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JUNE 24, 2011

PROPOSED ACTION ON REGULATIONS

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Alameda-Contra Costa Transit District
San Joaquin Valley Air Pollution Control District

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: Golden Gate Transit —
Amalgamated Retirement Plan

AMENDMENT

MULTI-COUNTY: Alameda-Contra Costa Transit
District
San Joaquin Valley Air Pollution
Control District

A written comment period has been established commencing on **June 24, 2011**, and closing on **August 8, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government

Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **August 8, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code(s) and approve it as revised, or return the proposed code(s) for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Cynthia Fisher**, Fair

Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

ADOPTION

Multi-County Agency: Northern CA Medi-Cal
Administrative
Services—JPA

AMENDMENT

Multi-County Agency: Sacramento Municipal
Utility District

A written comment period has been established commencing on **June 24, 2011** and closing on **August 8, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Sec-

tion 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **August 8, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair

Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.90.2, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code. The proposals interpret and make specific reference Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42 and 17077.45 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes

of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The State Allocation Board (SAB), at its February 23, 2011 meeting, adopted emergency regulatory amendments to the SFP Regulations to expand the types of projects eligible to participate in priority funding rounds. (Priority funding rounds re-prioritize the funding of apportionments to school districts in favor of "construction-ready" projects provided the districts can submit their fund release requests within a specified period of time.)

The proposed emergency regulatory amendments will allow Charter School Facility Program (CSFP) projects to apply for advance release of design and site acquisition funds, and will allow Critically Overcrowded School (COS) Facilities Program projects to apply for advance release of environmental hardship site acquisition funds. In addition, the emergency amendments provide a 180 calendar day timeline for fund release requests for CSFP advance site acquisition funds, along with other processing criteria.

CSFP Program. Three legislative acts and voter approvals established and funded the program with a cumulative total of \$900 million in bond funds:

- The CSFP was established by Assembly Bill (AB) 14, Chapter 935, Statutes of 2002, and was funded with \$100 million through the passage of Proposition 47.
- Senate Bill 15, Chapter 587, Statutes of 2004, authorized an additional \$300 million which was funded by the passage of Proposition 55.
- AB 127, Chapter 35, Statutes of 2006, authorized an additional \$500 million which was funded through the passage of Proposition 1D at the November 7, 2006 General Election.

Without the emergency amendments, CSFP projects may not participate in priority funding rounds to apply for advance release of design and site acquisition funds from Preliminary Charter School Apportionments. Therefore, the projects would remain in an unperfected status and the funding could not be utilized until sometime in the future.

COS Program. The COS Program was established by AB 16, Chapter 33, Statutes of 2002, to provide funding to relieve overcrowding on severely impacted sites. Proposition 47 (the Kindergarten-University Public Education Facilities Bond Act of 2002) authorized \$1.7 billion for this Program, which was passed by voters at

the November 2002 general election. Proposition 55 (the Kindergarten–University Public Education Facilities Bond Act of 2004) authorized \$2.44 billion for this Program, which was passed by voters at the March 2004 general election.

Without the emergency amendments, COS projects may not participate in priority funding rounds to apply for advance release of environmental hardship site acquisition funds from Preliminary Apportionments.

A summary of the proposed emergency regulatory amendments is as follows:

Existing Regulation Section 1859.90.2, “Priority Funding Round Process,” authorizes the SAB to establish 30–calendar day application filing periods to distribute available State school bond funds to school districts with approved unfunded apportionments. To participate, school districts must agree to submit their Form SAB 50–05, “Fund Release Authorization,” with an original signature, to be physically possessed by the OPSC within 90 calendar days of the Board’s approval of the apportionment.

The proposed emergency regulatory amendments:

- authorize projects under the CSFP to apply for advance release of design funds from a Preliminary Charter School Apportionment, subject to the existing 90 calendar day timeline to submit the request for fund release, Form SAB 50–05;
- authorize projects under the CSFP to apply for advance release of site acquisition funds from a Preliminary Charter School Apportionment, subject to a new timeline of 180 calendar days for school districts and charter schools to file their request for fund release, Form SAB 50–05, with the specific requirement to provide a written statement signed by an authorized representative within the 30 calendar day filing period that:
 - a) requests to convert the advance release of funds to an approved advance release of funds,
 - b) concurs with the 180 calendar day timeline to submit the fund release request,
 - c) acknowledges the participant’s requirement to submit a valid, signed Form SAB 50–05 to be physically received by the OPSC within the 180 calendar day time limit, and failure to do so will result in the rescission of the approved advance release of funds request without further Board action, and
 - d) acknowledges that the participant must provide evidence of entering into the Charter School Agreements within 90 calendar days of the approval of the advance release of funds request, and failure to do so will result

in the rescission of the approval without further Board action.

- authorize projects under the COS Program to apply for approved advance release of environmental hardship site acquisition funds subject to the existing 90 calendar day timeline to submit the request for fund release, Form SAB 50–05;
- add “charter schools” to the entities which must be given advance public notice of a SAB meeting by which a priority funding round would be established;
- add “charter schools” as eligible for priority funding rounds by submitting a request to participate within 30 calendar days;
- clarify that all requests to participate must be physically received by the OPSC by the 30th calendar day to be valid;
- add “charter schools” to the requirement for participants to file their request for fund release, Form SAB 50–05;
- clarify that all submittals of fund release requests, Form SAB 50–05, must be physically received by the OPSC within the time periods specified in this regulation section;
- clarify in section (a)(4) that districts and charter schools receiving an Apportionment must acknowledge waiving their right to a longer timeline to submit their fund release requests;
- clarify that “rescinded” and “rescission” as used in this section apply to apportionments and “approved advance release of funds requests,” and
- add that in cases of rescission, “charter schools” will not be required to re–submit applications and no further application review will be required.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed emergency regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies, school districts, or charter schools to incur additional costs in order to comply with the proposed emergency regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the

proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation amendments will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts and charter schools for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than August 8, 2011, at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions con-

cerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator
Mailing Address: Office of Public School
Construction
707 Third Street, Room 1–430
West Sacramento, CA 95605
E-mail Address: robert.young@dgs.ca.gov
Fax No.: (916) 376–5332

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375–5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376–1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Notice of Proposed Rulemaking

45-Day Notice

The Department of Food and Agriculture proposes to amend subsection 3425(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Melon Fruit Fly Interior Quarantine.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on August 8, 2011. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
sbrown@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth

the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

This proposed amendment will remove approximately 91 square miles surrounding the Bakersfield area of Kern County from the regulation as the area under quarantine for melon fruit fly. The effect of the change is to remove authority for the State to regulate movement of hosts of melon fruit fly from, into and within this area as it is no longer necessary to prevent the artificial spread of the fly to noninfested areas to protect the public and California's agricultural industry.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations may affect small business.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and

brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3425 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Rains at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Notice of Proposed Rulemaking

The Department of Food and Agriculture proposes to amend Section 3906 of the regulations in Title 3 of the California Code of Regulations pertaining to the assessment on sales of agricultural and/or vegetable seed.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to lrains@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on August 8, 2011. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Lindsay Rains
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
lrains@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

AUTHORITY AND REFERENCE

Food and Agricultural Code Sections 407 and 52331 authorize the Department to adopt this regulation. The proposed revision is to a regulation that interprets and makes specific Sections 52331, 52354, and 52354.5 of the Food and Agricultural Code.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The specific purpose of Section 3906 is to establish the annual assessment rate per one-hundred dollars gross annual dollar volume sales of agricultural and/or vegetable seed for the preceding fiscal year, beginning July 1. The proposed amendment will set this fee at \$0.25 per \$100 gross annual dollar volume sales of agricultural and/or vegetable seed for the fiscal year beginning July 1, 2011.

Food and Agricultural Code (FAC), Sections 52291–52298 provides for an eleven member Seed Advisory Board (Board) and establishes the composition, terms of office and duties of the Board. One of the duties, provided by Section 52296, is to recommend the dollar volume assessments on gross annual dollar volume sales of agricultural and/or vegetable seed. FAC, Section 52354 establishes that the assessment shall not exceed \$0.40 per \$100 gross annual dollar volume sales of agricultural and/or vegetable seed.

FAC, Section 52354.5 establishes that the Board shall make a recommendation regarding the level of assessment to the director and that the director shall fix the annual assessment in an amount that will provide sufficient funds to carry out the activities of the Seed Services Program. During their May 5, 2011 meeting, the Board approved a motion to set the assessment rate at \$0.25 per \$100 gross annual dollar volume sales of agricultural and/or vegetable seed for the fiscal year beginning July 1, 2011.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs to or savings on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impact on a representative private person or businesses: There are 148 small firms that submit an average assessment payment of approximately \$720 per year. The proposed change in the assessment will reduce their payments by about \$75 each. There are 56 large firms having average sales of approximately \$5.8 million per year. The proposed change in the assess-

ment will reduce their payments by approximately \$1,220 each.

Amendment of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations will affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Lindsay Rains
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
lrains@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

In her absence, you may contact Stephen Brown at the same phone number.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all of the information upon which

its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named above.

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Rains at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulation substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Lindsay Rains at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be posted on the Department's web site or a copy may be obtained by contacting Ms. Rains at the address listed above.

TITLE 8. DIVISION OF WORKERS' COMPENSATION

STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF WORKERS' COMPENSATION

NOTICE OF RULEMAKING

Workers' Compensation — Qualified Medical Evaluator Regulations (Title 8, California Code of Regulations sections 100, 104, 105, 106)

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation (hereafter "Administrative Director") proposes to amend regulations to implement the provisions

of Labor Code sections 139.2, 4060, 4061, 4062, 4062.1, and 4062.2, regarding the appointment and reappointment of Qualified Medical Evaluators (QME) and the procedures for obtaining QME medical-legal evaluations, that are used to resolve disputes in the workers' compensation system. This action is taken pursuant to the authority vested in the Administrative Director by Labor Code sections 53, 133, 139.2, 4060, 4061, 4062, 4062.1, 4062.2 and 5307.3.

When adopted, the proposed regulations will constitute title 8, California Code of Regulations, Division 1, Chapter 1, Article 10, sections 100 and 104, and Article 10.5, sections 105 and 106. The regulations implement, interpret and make specific the manner in which the Administrative Director will exercise the authority under Labor Code sections 139.2, 4060, 4061, 4062, 4062.1, and 4062.2, regarding the appointment and reappointment of Qualified Medical Evaluators and the procedures concerning medical evaluations.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation, proposes to amend Articles 10 and 10.5 of Division 1, Chapter 1, of Title 8, California Code of Regulations, sections 100, 104, 105, and 106 (QME Forms 100, 104, 105, and 106).

- Amended Section 100 The Application for Appointment as Qualified Medical Evaluator Form
- Amended Section 104 The Reappointment Application as Qualified Medical Evaluator Form
- Amended Section 105 The Request for Qualified Medical Evaluator Panel—Unrepresented Form and Attachment to Form 105 (How to Request a QME If You Do Not Have an Attorney)
- Amended Section 106 The Request for Qualified Medical Evaluator Panel—Represented Form and Attachment to Form 106 (How to Request a QME in a Represented Case)

PUBLIC HEARING

A public hearing has been scheduled in Oakland to permit all interested persons the opportunity to present statements or argument, either orally or in writing, about the subjects noted above. The hearings will be held at the following time and place:

Date: August 9, 2011

Time: 10:00 a.m. to 5:00 p.m., or until conclusion of business

Place: Elihu Harris State Office Building — Auditorium
1515 Clay Street
Oakland, California 94612

The state office buildings and their auditoriums are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the Statewide Disability Accommodation Coordinator, Shavonda Early, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the noon recess, no afternoon session will be held.

In order to ensure unimpeded access for disabled individuals wishing to present comments and facilitate the accurate transcription of public comments, camera usage will be allowed in only one area of the hearing room. To provide everyone with an opportunity to speak, public testimony will be limited to 10 minutes per speaker and should be specific to the proposed regulations. Testimony which would exceed 10 minutes may be submitted in writing.

The Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Workers' Compensation. The written comment period closes at 5:00 p.m., on August 9, 2011. The Division of Workers' Compensation will consider only comments received at the Division by that time. Equal weight will be accorded to comments presented at the hearing and to other written comments received by 5 p.m. on that date by the Division.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray
Regulations Coordinator
Division of Workers' Compensation, Legal Unit
P.O. Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than 5:00 p.m. on August 9, 2011.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in the Administrative Director by Labor Code section 53, 133, 139.2, 4060, 4061, 4062, 4062.1, 4062.2 and 5307.3.

Reference is made to sections 139.2, 4060, 4061, 4062, 4062.1, and 4062.2, Labor Code; section 1798 et seq., Civil Code; and sections 6250 et seq., Government Code.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Senate Bill 228 [Stats. 2003, ch. 639 (SB 228) (Alarcon)], among other things, repealed Labor Code section 139, thereby eliminating the Industrial Medical Council ("IMC"), and amended Labor Code section 139.2 to transfer all authority to the Administrative Director of the Division of Workers' Compensation to regulate (examine, appoint, reappoint, and discipline) physicians who are Qualified Medical Evaluators.

Senate Bill 899 [Stats. 2004, ch. 34 (SB 899) (Poochigian)], effective April 19, 2004], among other things, amended the Labor Code in a manner that changed both what Qualified Medical Evaluators must use in evaluating whether medical treatment is reasonable and necessary, the nature and extent of permanent impairment and permanent disability and the procedures for obtaining an evaluator in represented cases with a date of injury on or after January 1, 2005.

California employers are required by existing law to provide and pay for reasonable and necessary medical treatment costs and medical-legal expenses as part of the workers' compensation system. (Lab. Code §§ 3600, 4600.) In contested cases, the injured workers are entitled to a comprehensive medical-legal evaluation performed by Agreed Medical Evaluators (AME) or Qualified Medical Evaluators (QME). The medical-legal reports issued by these physicians are used by in-

jured workers and employers to resolve disputes over medical issues and other benefits in workers' compensation claims. (Lab. Code §§ 4060, 4061, 4062, 4062.1, 4062.2, 4067; Cal. Code Regs., tit. 8 § 9737(c).)

The Administrative Director is required by Labor Code sections 4062.1 and 4062.2 to issue panels (lists of 3 QME names) to the parties in a workers' compensation case who need a comprehensive medical-legal evaluation report from a QME to resolve disputed benefit issues in the case. The QMEs listed must be selected randomly. (Lab. Code § 139.2(h)(1); Cal. Code Regs., tit. 8 § 31(a).) The party holding the legal right to submit the panel request form also has the right to designate the specialty of the QMEs for the panel. (Lab. Code §§ 4062.1(b), 4062.2(b).)

The Administrative Director is required to recognize those specialty boards recognized for physicians defined in Labor Code section 3209.3. (Cal. Code Regs., tit. 8 § 12.) Labor Code section 3209.3 defines physicians as "includ[ing] physicians and surgeons holding an M.D. or D.O. degree, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners licensed by California state law and within the scope of their practice as defined by California state law." Effective April 15, 2010, California Code of Regulations, title 16, section 311.1 provides, in relevant part, that ". . . the Board of Chiropractic Examiners recognizes . . . those specialty boards that are recognized by the American Chiropractic Association (ACA) or the International Chiropractors Association (ICA)."

Labor Code section 139.2(b)(4)(A) provides that the Administrative Director is required to appoint or reappoint a doctor of chiropractic to a QME chiropractic specialty if he or she: "(A) Has completed a chiropractic postgraduate specialty program of a minimum of 300 hours taught by a school or college recognized by the Administrative Director, the Board of Chiropractic Examiners and the Council on Chiropractic Education." Moreover, to issue a panel in a selected specialty, there has to be at least five (5) active QMEs in the specialty at the time the panel selection is requested. In the event less than five (5) QMEs are active in a requested specialty, the Medical Director is required to contact the party who holds the legal right to designate the specialty for an alternate specialty selection. (Cal. Code Regs., tit. 8 § 31(d).)

The Administrative Director of the Division of Workers' Compensation proposes to amend forms used in the QME regulations regarding the appointment and reappointment of QMEs and the procedures for obtaining QME medical-legal evaluations that are used to resolve disputes in the workers' compensation system. Specifically, the Administrative Director proposes to amend

QME Forms 100, 104, 105 and 106 to include specialties for doctors of chiropractic approved by the Board of Chiropractic Examiners.

The proposed regulations implement, interpret, and make specific Labor Code sections 100, 104, 105, and 106, as follows:

Article 10. QME Application Forms (§§ 100 and 104)

1. Section 100—The Application for Appointment as Qualified Medical Evaluator Form

QME Form 100 is the Application for Appointment as Qualified Medical Evaluator form. QME Form 100, at page 6, contains the QME Medical Doctor (MD) / Doctor of Osteopathy (DO) list of Specialty Codes and the Non-MD / DO Specialty Codes. This form is amended at page 6 to add the following QME specialty code designations relating to chiropractic specialties:

DCN Chiropractic Neurology
DCO Chiropractic Orthopaedic
DCS Chiropractic Sports Medicine

This change is made because the Administrative Director is required to recognize those specialty boards recognized for physicians defined in Labor Code section 3209.3 (Cal. Code Regs., tit. 8 § 12), and Labor Code section 3209.3 includes chiropractic practitioners in the definition of physicians. Moreover, by regulation effective April 15, 2010 (Cal. Code of Regs., tit. 16 § 311.1), the Board of Chiropractic Examiners has recognized specialty boards that are recognized by the American Chiropractic Association (ACA) or the International Chiropractors Association (ICA). Thus, the list of QME Specialty Codes as presented in QME Form 100, page 6, is amended to add the specialty codes set forth above.

QME Form 100 is further amended at page 2, Block 3, to delete the word “Residency” in the last box and to substitute it with the word “Fellowship.” This change is a non-substantive typographical error correction.

2. Section 104—The Reappointment Application as Qualified Medical Evaluator Form

QME Form 104 is the Reappointment Application as Qualified Medical Evaluator Form. QME Form 104, at page 5, contains the QME Medical Doctor (MD) / Doctor of Osteopathy (DO) list of Specialty Codes and the Non-MD / DO Specialty Codes. This form is amended at page 5 to add the following QME specialty code designations relating to chiropractic specialties:

DCN Chiropractic Neurology
DCO Chiropractic Orthopaedic
DCS Chiropractic Sports Medicine

This change is made because the Administrative Director is required to recognize those specialty boards recognized for physicians defined in Labor Code sec-

tion 3209.3 (Cal. Code Regs., tit. 8 § 12), and Labor Code section 3209.3 includes chiropractic practitioners in the definition of physicians. Moreover, by regulation effective April 15, 2010 (Cal. Code of Regs., tit. 16 § 311.1), the Board of Chiropractic Examiners has recognized specialty boards that are recognized by the American Chiropractic Association (ACA) or the International Chiropractors Association (ICA). Thus, the list of QME Specialty Codes as presented in QME Form 104, page 5, is amended to add the specialty codes set forth above.

Article 10.5. QME Process Forms (§§ 105 and 106)

3. Section 105—The Request for Qualified Medical Evaluator Panel—Unrepresented Form and Attachment to Form 105 (How to Request a QME If You Do Not Have an Attorney)

QME Form 105 is the Request for Qualified Medical Evaluator Panel—Unrepresented Form and Attachment to Form 105 (How to Request a QME If You Do Not Have an Attorney). QME Form 105, at page 3, contains the QME Medical Doctor (MD) / Doctor of Osteopathy (DO) list of Specialty Codes and the Non-MD / DO Specialty Codes. This form is amended at page 3 to add the following QME specialty code designations relating to chiropractic specialties:

DCN Chiropractic Neurology
DCO Chiropractic Orthopaedic
DCS Chiropractic Sports Medicine

This change is made because the Administrative Director is required to recognize those specialty boards recognized for physicians defined in Labor Code section 3209.3 (Cal. Code Regs., tit. 8 § 12), and Labor Code section 3209.3 includes chiropractic practitioners in the definition of physicians. Moreover, by regulation effective April 15, 2010 (Cal. Code of Regs., tit. 16 § 311.1), the Board of Chiropractic Examiners has recognized specialty boards that are recognized by the American Chiropractic Association (ACA) or the International Chiropractors Association (ICA). Thus, the list of QME Specialty Codes as presented in QME Form 105, page 3, is amended to add the specialty codes set forth above.

This form is further amended at page 3 to correct the specialty codes for medical doctors (MD)/doctors of osteopathy (DO). The specialty code MMO is amended to delete the language “Orthopaedic Surgery Internal Medicine or Radiology,” and substitute it with the language “conditions related to tumors, cancer.”

This change will eliminate a current problem which causes delays in parties getting the correct specialty. Non-physicians mistakenly select MMO because the descriptor of the specialty contains the word “orthopaedic.” It has been discovered that the non-physician party really means to select an orthopaedic specialty.

Orthopaedic specialties are covered by other specialty codes such as MOS—Orthopaedic Surgery (*other than Spine and Hand*), MNB—Spine, or MHH—Hand.

QME Form 105 is further amended on a non-substantive basis for clarification purposes and to facilitate data input. At page 1, under “Specialty Requested,” the phrase “Use of 3 letter code only” is moved on top to state “3 letter code required.” At page 1, under “Reason QME Panel is being requested,” new language is added to state “Read attachment ‘How to Request a QME’ ” before the phrase “check one box only,” and the punctuation has been corrected in that paragraph. At page 1, under “Answer each question below:,” the boxes and corresponding words “yes, no,” and the phrase “If yes:” have been inserted as they were missing due to clerical error. At the end of page 2, before the last paragraph, the signature line has been corrected to state Signature of “Requestor” and the phrase “Injured Employee” has been deleted. Further information which appears in the front of the form has been repeated to state: “Requesting party check one only:” and boxes have been inserted with the following words next to them: “Injured Worker,” “Claims Administrator,” and “Defense Attorney.”

4. Section 106—The Request for Qualified Medical Evaluator Panel—Represented Form and Attachment to Form 106 (How to Request a QME in a Represented Case)

QME Form 106 is the Request for Qualified Medical Evaluator Panel—Represented Form and Attachment to Form 106 (How to Request a QME in a Represented Case). QME Form 106, at page 3, contains the QME Medical Doctor (MD) / Doctor of Osteopathy (DO) list of Specialty Codes and the Non-MD / DO Specialty Codes. This form is amended at page 3 to add the following QME specialty code designations relating to chiropractic specialties:

DCN	Chiropractic Neurology
DCO	Chiropractic Orthopaedic
DCS	Chiropractic Sports Medicine

This change is made because the Administrative Director is required to recognize those specialty boards recognized for physicians defined in Labor Code section 3209.3 (Cal. Code Regs., tit. 8 § 12), and Labor Code section 3209.3 includes chiropractic practitioners in the definition of physicians. Moreover, by regulation effective April 15, 2010 (Cal. Code of Regs., tit. 16 § 311.1), the Board of Chiropractic Examiners has recognized specialty boards that are recognized by the American Chiropractic Association (ACA) or the International Chiropractors Association (ICA). Thus, the list of QME Specialty Codes as presented in QME Form

106, page 3, is amended to add the specialty codes set forth above.

Form 106 is also amended at page 3 to correct the specialty codes for medical doctors (MD)/doctors of osteopathy (DO). The specialty code MMO is amended to delete the language “Orthopaedic Surgery Internal Medicine or Radiology,” and substitute it with the language “conditions related to tumors, cancer.”

This change will eliminate a current problem which causes delays in parties getting the correct specialty. Non-physicians mistakenly select MMO because the descriptor of the specialty contains the word “orthopaedic.” It has been discovered that the non-physician party really means to select an orthopaedic specialty. Orthopaedic specialties are covered by other specialty codes such as MOS—Orthopaedic Surgery (*other than Spine and Hand*), MNB—Spine, or MHH—Hand.

Form 106 is further amended at pages 1 and 2 for non-substantive reasons. The paragraphs in the form at pages 1 and 2 are reorganized. The various paragraphs have been moved to allow more effective use of the form. The substantive information contained in the form has not been changed.

Form 106 is also amended for non-substantive reasons at page 1, under “Answer each question below:,” the boxes and corresponding words “yes, no,” and the phrase “If yes:” have been inserted as they were missing due to clerical error. The punctuation is also corrected in that paragraph to delete the question mark.

DISCLOSURES REGARDING THIS PROPOSED REGULATORY ACTION

The Administrative Director has made the following initial determinations:

- **Determination regarding whether this rulemaking imposes a Local Mandate:**

None is imposed by these proposed regulations because no new program or higher level of service to the public is required. The regulations provide minor changes in the forms related to the technical details on procedures used to regulate Qualified Medical Evaluators (“QMEs”) and the procedures for obtaining reports from QMEs, and impose the same requirements on all employers in California. Local government and districts as employers, like all other employers in California, are already required by law to have workers’ compensation coverage, or otherwise to self administer or contract for another entity to administer the workers’ compensation claims of their employees and to conform to the Labor Code in using the medical dispute resolution procedures involving QMEs and AMEs.

- **Significant statewide, adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:** None.
- **Effect on Housing Costs:** None.
- **Cost Impacts Incurred By Private Persons or Businesses:** The Administrative Director has determined that the proposed regulations will not have any significant cost impact on private persons or businesses.
- **Other impacts on Jobs and Businesses:** The Administrative Director has determined that the changes proposed in this rulemaking will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses in the State of California.

EFFECT ON SMALL BUSINESS

The Administrative Director has determined that this rulemaking will not have any significant impact on small business.

Physicians appointed as Qualified Medical Evaluators fall within the definition of small business, and already are required by existing law to comply with the statutes and regulations governing Qualified Medical Evaluators (QMEs). The Administrative Director is required to issue panels listing three Qualified Medical Evaluators when requested by a party to resolve a disputed issue (Lab. Code §§ 139.2(h), 4062.1, 4062.2, and 139.2(h)(3).) The cost of this medical–legal evaluation, like any other medical–legal expense, would be covered by the employer’s workers’ compensation insurance or approved system for self insurance as part of the workers’ compensation system.

FISCAL IMPACTS

- **Costs or savings to state agencies or costs/savings in federal funding to the State:** None.
- **Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of division 4 of the Government Code:** None. (See Local Mandate bullet above.)
- **Other nondiscretionary costs/savings imposed upon local agencies:** None. (See Local Mandate bullet above.)

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the Administrative Director’s attention, would be more effective in carrying out the purpose of this rulemaking, or would be as effective and less burdensome to the affected private persons, than the proposed action of this rulemaking.

The Administrative Director invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

The text of the draft proposed regulations was made available for pre–regulatory public review and comment for at least ten days through the Division’s Internet website (the “DWC Forum”), as required by Government Code section 11346.45.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the Regulations Coordinator named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, the proposed text of the regulations, pre–rulemaking comments and the Form 399. Also included are the documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division’s website at www.dir.ca.gov. To access them, click on the “Proposed Regulations — Rulemaking” link and scroll down the list of rulemaking proceedings to find the Qualified Medical Evaluator Regulations link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers’ Compensation, 1515 Clay Street, 18th Floor,

Oakland, California 94612, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the Regulations Coordinator.

CONTACT PERSON FOR GENERAL QUESTIONS

Non-substantive inquiries concerning this action, such as requests to be added to the mailing list for rule-making notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: mgray@dir.ca.gov

The telephone number of the contact person is (510) 286-7100.

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person above is unavailable, or for questions regarding the substance of the proposed regulations, inquiries should be directed to:

Minerva Krohn
Counsel
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: mkrohn@dir.ca.gov

The telephone number of this contact person is (510) 286-7100.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Administrative Director makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly shown will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Division's website at www.dir.ca.gov.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations with any final amendments will appear in title 8 of the California Code of Regulations, commencing with section 100. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

TITLE 13. DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS,
DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 6, SECTION 1233

SAFETY COMPLIANCE RATINGS (CHP-R-11-03)

Section 2402 California Vehicle Code (CVC) authorizes the Commissioner of the California Highway Patrol (CHP) to make and enforce regulations as necessary to carry out the duties of the CHP. Sections 34501 and 34501.5 CVC allow the CHP to adopt reasonable rules and regulations that, in the judgment of the CHP, are designed to promote the safe operation of vehicles described in Section 34500 CVC including, but not limited to, controlled substances and alcohol testing of drivers by motor carriers, hours of service of drivers, equipment, fuel containers, fuel operations, inspection, maintenance, record keeping, accident reports and drawbridges. The adopted regulations are contained in Title 13, California Code of Regulations (13 CCR).

Section 34501(a)(4) CVC authorizes the CHP to inspect any vehicles in maintenance facilities or terminals, as well as any records relating to the dispatch of vehicles or drivers, and the pay of drivers, to assure compliance with the code and regulations adopted pursuant to that section. Section 34520 CVC requires mo-

tor carriers and drivers to comply with the controlled substances and alcohol use, transportation, and testing requirements of Parts 382 and 655 and Sections 392.5(a)(1) and 392.5(a)(3) of Title 49 of the Code of Federal Regulations. Section 34520 CVC also requires a motor carrier to make available for inspection, upon request of an authorized employee of the CHP, copies of all results and other records pertaining to the controlled substances and alcohol testing requirements.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law in Sections 34505.1, 34505.6, and 34505.7 CVC in part, requires the CHP to recommend that the Department of Motor Vehicles, Public Utilities Commission, or the Federal Motor Carrier Safety Administration suspend, revoke, deny, or take other administrative actions against a motor carrier's permit or operating authority, as appropriate, when a motor carrier has failed to comply with statute or regulation relative to motor carrier safety. Specifically, a recommendation shall be forwarded when a motor carrier fails to maintain any vehicle in a safe operating condition or to comply with the California Vehicle Code or with applicable regulations contained in 13 CCR, and, in the opinion of the Department, that failure presents an imminent danger to public safety or constitutes a consistent failure to comply. Currently the CHP defines the terms "imminent danger" and "consistent failure" as used in Sections 34505.1, 34505.6, 34505.7, and 34623 CVC in CHP policy. The term "consistent failure" is also defined in Sections 34505.1, 34505.6, 34505.7, and 34623 CVC specifically, as it relates to compliance with Section 1808.1, CVC.

The CHP proposes to amend 13 CCR, Division 2, Chapter 6.5, Article 6, Section 1233, in order to codify the departmental "opinion" regarding a determination of "imminent danger" or "consistent failure," for the purpose of initiating civil, administrative, or criminal action pursuant to Section 34505.1, 34505.6, 34505.7, or 34623 CVC.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 322-3154, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement and Planning Division
Commercial Vehicle Section
ATTN: Mr. David Huizar
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 4:45 p.m., on August 8, 2011.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 322-3154 or by calling the CHP, Commercial Vehicle Section, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requestor's information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 601 North 7th Street, Sacramento, California 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at www.chp.ca.gov/regulations.

Once prepared, any person desiring a copy of the adopted text and a final statement of reasons may request them at the above noted address or by visiting the above outlined web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations should be directed to Mr. David Huizar or Mr. Cullen Sisskind, CHP, Commercial Vehicle Section, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth with-

out further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code Sections 17500–17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action has no effect on small businesses. Because the action is intended to adopt departmental opinion with regard to consistent failure and imminent danger, no small business will be required to comply with or enforce new regulations, nor will any small business in compliance with applicable safety requirements derive a benefit or incur a detriment.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has

otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 31401, 34501, 34501.5, and 34508 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 34505.1, 34505.6, 34505.7, and 34623 CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

J. B. Rodriguez, Chief
Enforcement and Planning Division

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to adopt Section 345.73; amend Sections 345.50, 345.52, 345.56, 345.58, 345.74, 345.78, 345.86, 345.88, and 345.90; and repeal Sections 345.54 and 345.60 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to Schools for Traffic Violators.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified

fied in this notice. All written comments must be received at the department no later than 5:00 p.m., **AUGUST 8, 2011**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section(s) 11212, 11214, 11219, and 42005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 11200 requires the department to license traffic violator schools (TVS). In addition, Vehicle Code section 11219 authorizes the department to prescribe rules and regulations for TVS regarding the conduct of courses including curriculum, facilities and equipment.

Historically, the department has exercised oversight of Traffic Violator School (TVS) programs operating in classroom settings; however, no authority existed to oversee home study or online traffic violator school programs. Assembly Bill (AB) 2499 (Chapter 599; Statutes of 2010) places home study and online traffic violator school programs under the authority of the department. AB 2499 allows the department to provide operator training and curriculum requirements, prescribe application forms, and to establish guidelines for those traffic violator school programs not under department purview prior to the bill's passage.

This action changes the requirements for traffic violator schools' operating hours to be the same as day courts in all counties, and deletes the ability for schools in smaller counties to be open shorter hours.

This action also repeals the ability for a school to have an authorized person sign documents for them. The department found that allowing authorized signatures takes away the responsibility of the operation of the traffic violator school from the owner. The department has found that there are no instances where an authorized signature may be used in lieu of the traffic violator school owner or operator.

This action also makes changes to the retention period for records. Each TVS is required to maintain records from its business for three years, and those records must be kept onsite for at least 18 months. After the 18 months, those records can be kept at an offsite location for the remainder of the three years, as long as the records are retrievable within a three business day request period. Business records are also now allowed

to be kept as an electronic copy, with the retention periods being the same as paper documents. All confidential information must be secure at each location, and each school shall only store the information that relates to that particular location.

This action allows for the department to conduct on-site reviews of a TVS as well as monitoring of classroom instruction. The TVS shall make all business records available to the department for the business reviews, which can be scheduled or random. The department may monitor TVS instruction without prior notice.

DOCUMENTS INCORPORATED BY REFERENCE

The following document is incorporated by reference in section 345.74:

- **TRAFFIC VIOLATOR SCHOOL BRANCH BUSINESS OFFICE/ CLASSROOM APPLICATION, OL 712 (Rev. 2/2011)**

This document is not published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, this document is readily available to interested parties by contacting the department representative identified below.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effects on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.

- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This proposal implements new office practices for traffic violator school owners and provides for new office hours and record retention timelines for classroom, home study, and internet based programs.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Ally Grayson, Staff Services Analyst
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820
Telephone: (916) 657-6469
Facsimile: (916) 657-1204
E-Mail: LRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Randi Calkins, Regulations Coordinator
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed action and has available all

the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

[Published June 24, 2011]

NOTICE OF PROPOSED RULEMAKING

Aspen, Meadow and Wet Area Restoration, 2011

Title 14 of the California Code of Regulations (14 CCR):

The Board of Forestry and Fire Protection (Board) proposes to amend and adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Amend

§ 913.4, 933.4, 953.4 Special Prescriptions

§ 939.15 Protection of Wildlife Habitat

§ 959.15 Protection of Wildlife Habitat

PUBLIC HEARING

The Board will hold a public hearing starting at 8:00 a.m., on Wednesday, August 10, 2011, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., Monday, August 8, 2011. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: George Gentry
Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4551, 4551.5, 4552, 4553, 4554, 4554.5, 4581, 4582 and 21080.5, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing laws (PRC 4512 and 4551) under the Forest Practice Act give the State Board of Forestry and Fire Protection the authority to adopt regulations to assure the productivity of timberlands and protect related wildlife and range habitats. The proposed regulation develops a new silvicultural "Special Prescription" that states the requirements for projects that harvest, remove or otherwise treat commercial conifer trees in aspen stands, meadow or wet areas for purposes of restoring habitat, ecological and range values. The proposal would delete the existing sections in 14 CCR 939.15 and 959.15(b), Protection of Wildlife Habitat.

The regulation eliminates regulatory constraints associated with even-age silvicultural rules allowing a wider range of projects designs. The new rule requires clear information about the proposed restoration activity, establishes postharvest measures of success, and requires postharvest monitoring to ensure successful accomplishment of the project.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None are known.

- Potential cost impact on private persons or directly affected businesses: The Board is aware of potential minor cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. New disclosure requirements (for large projects greater than 20 acres) including condition assessments, limiting factors and measures of success proposed by this regulation are currently not explicitly required for aspen, meadow, and wet area restoration projects. These additional disclosure requirements could add costs to landowners who are developing projects over 20 acres in size.
- Effect on small business: Minor. The Board has determined that the proposed amendments have additional disclosure requirements that could add costs to landowners who are developing projects over 20 acres in size.
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed Rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: George Gentry
Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8007

The designated backup person in the event Mr. Gentry is not available, is Mr. Eric Huff, Assistant Executive Officer, at the above address and phone (916) 653-8007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request. A copy of the express terms of the proposed action, using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above-referenced information is also available on the CDF web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Date: Wednesday, August 10, 2011

Time: 10:00 a.m.

Board for Professional Engineers & Land Surveyors
2535 Capitol Oaks Drive, 3rd Floor Conference Room
Sacramento, California 95833

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **August 8, 2011**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2854 and 4504 of the Business and Professions (B&P) Code; and to implement, interpret or make specific sections 144, 901, 2841.1, 2859, 4501.1, 4502.3 of the B&P Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code section 2854 (VN Program) and section 4504 (PT Program) authorize the Board to add, amend,

or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Vocational Nursing Practice Act and the Psychiatric Technicians Law.

(1) **Add Sections 2557, 2557.1, 2557.2, 2557.3 (VN Program); and**

(2) **Add Sections 2595, 2595.1, 2595.2, 2595.3 (PT Program)**

These proposed regulations would implement, interpret or make specific the provisions of B&P Code section 901 by specifying procedures and forms to be used by sponsoring entities and out-of-state practitioners who desire to participate in sponsored events. The Board's highest priority is the protection of the public and these proposed regulations are intended to implement B&P Code section 901 in a manner that will provide the greatest protection for the people of California.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this proposed regulatory action will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations do not alter staffing or equipment needs in any small business.

CONSIDERATION OF ALTERNATIVES

The Board has determined that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation. The Board is directed by statute to develop these regulations and there is, thus, no other method of developing the forms and procedure for registering sponsoring entities and granting authorization for requests by out-of-state practitioners to participate in sponsored events.

One possible alternative is to delay or refrain from promulgating any regulations — i.e., maintain the status quo. This is not reasonable because the statute specifies a registration and fee process to be developed by the Board to implement the statute. By not creating a procedure, the Board would obviate the purpose of the statute, which is intended to provide an opportunity for out-of-state licensed volunteers to participate in certain free health care events. Also, it is not reasonable to delay because the statute has a sunset date of January 1, 2014. Because the statute is only effective for three (3) years, it is incumbent on the Board to implement the required processes as soon as possible.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Lynne Shively, Licensing
Program Manager
Address: 2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone No: (916) 263-7854
Fax No: (916) 263-7855
E-Mail Address: Lynne.Shively@dca.ca.gov

The backup contact person is:

Name: Mark Ito, Licensing Analyst
Address: 2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone No: (916) 263-7838
Fax No: (916) 263-7859
E-mail Address: Mark.Ito@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bvnpt.ca.gov.

TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on August 8, 2011. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the per-

son designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code Sections 2531.95, 2532.25, 2532.6, and 2534.2 to implement, interpret or make specific Sections 163.5, 2532.2, 2532.6, 2534.2, and 2539.1 of the Business and Professions Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Speech–Language Pathology & Audiology & Hearing Aid Dispensers Board (“Board”) is authorized by Business and Professions Code Section 2531.95 to adopt regulations necessary to implement the Speech–Language Pathology and Audiology Licensure Act. Section 2539.1 sets forth new provisions for licensed audiologists to dispense hearing aids under the audiology license provided all specified licensing qualifications have been met. Section 2532.6 mandates that licensed audiologists engage in continuing professional development and learning as related to the licensed profession. In addition, Section 2534.2 establishes the associated renewal fees for “dispensing audiologists.” These Sections provide the Board the authority to establish continuing professional development renewal requirements and fees for the dispensing audiology license.

On March 1, 2011 the Board filed the proposed regulations as an emergency filing. The emergency regulations were approved by the Office of Administrative Law effective March 1, 2011 and shall expire as of August 29, 2011.

The emergency regulations included the following changes:

Section 1399.157(b): Adds the application fee for an individual applying for the Dispensing Audiologist (DAU) license.

Section 1399.157(c): Adds the new renewal fee and establishes the annual renewal cycle for a DAU license.

Section 1399.160.3(e): Makes changes to the continuing professional development requirements for DAUs, which coincide with the annual renewal cycle and include provisions for obtaining specified coursework related to the dispensing of hearing aids as the professional service is authorized under the dispensing audiology license provided all qualifications have been met.

Section 1399.160.6: Adds provisions for the Board to review and approve courses related to hearing aid dispensing to ensure that such courses meet the proposed course content criteria of continuing professional development and are not designed to market products or devices of a particular manufacturer or company. The proposed amendments also specify the type of information that must be submitted by a continuing professional development provider for each course offered.

Sections 1399.160.4, 1399.160.5, and 1399.160.7 are not being modified, but are included in the proposed language to assist one in understanding the proposed changes to the affected Sections above in context.

The following changes are being proposed as part of the Notice filing:

Section 1399.160: Adds clarification to the definition of a self–study course to provide that a self–study course does not include an interactive course offered through electronic media where participants may interact with the instructor or other course participants during the learning experience.

Section 1399.160.3: Adds clarifying language to reflect the limits on the number and type of hearing aid dispenser courses a non–dispensing audiologist may accrue during a single license renewal period. Amendments to this Section also establish the CPD requirements for a licensee who holds both a dispensing audiology license and a speech–language pathology license, as the CPD criteria for a dually licensed individual was not provided for in the emergency filing.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State:

This proposed regulation would clarify and make specific licensing requirements for DAUs, Continuing Professional Development (CPD) requirements, and course approval for providers. The CPD requirements for licensees and course approval requirements for providers are not anticipated to have fiscal implications since it is assumed the providers will pay the Board the same fees previously paid to the former Hearing Aid Dispensers (HAD) Bureau. Since DAUs would no longer be required to maintain a separate audiology license, the initial license fee of \$25 and the \$110 biennial fee paid to Board by licensees would no longer be collected. The \$35 application fee currently paid by audiologists to obtain the Temporary Required Professional Experience (RPE) License, which authorizes applicants to obtain the professional experience required for entry level licensure (CCR Section 1399.153.2), will still be collected. As a result of the proposed regulations, the Speech Language Pathology and Audiology

Fund (0376) would experience an annual revenue loss of \$52,931 annually or \$105,862 biennially.

All Dispensing Audiology fees paid to the former HAD Bureau will now be collected by the Board but deposited into the HAD account (0208).

Overall, the Board does not estimate any increased costs with this regulatory proposal.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There may be a minor cost to businesses to comply with this regulation as Board–approved providers must submit course materials to the Board for approval. Business and Professions Code Section 3456 (h) authorizes the Board to collect a fifty dollar (\$50) fee for each submitted course. However, all current approved hearing aid dispensing continuing education providers currently pay the established course approval application fee and would likely be the target providers of the requisite continuing professional development courses for dispensing audiologists.

There are approximately fifty (50) approved hearing aid dispenser continuing education providers approved by the Board and approximately two hundred (200) approved courses.

CE Provider assumptions:

- 50 CE providers in California
- 150–250 approved courses
- \$50 fee for each submitted course. Courses valid for 12 months.
- No application fee or renewal fee required.

Under this proposal, it is assumed that existing providers would offer the same courses for DAUs. No significant fiscal implications are anticipated.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: Under current laws and regulations, continuing education providers of hearing aid courses are required to apply for course approval by the Board and pay a course approval application fee of \$55 for each course application. The proposed amendments would merely implement the provi-

sions of Assembly Bill 1535 (Jones, Chapter 309, Statutes of 2009), within the continuing professional development regulation requirements for audiologists authorized to dispense hearing aids. As such, there is no change to the existing process for businesses which offer continuing education in hearing aid dispensing; and therefore, the Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The following provides detail regarding any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action as:

- Licensed audiologists who dispensed hearing aids under a separate hearing aid license prior to the enactment of the new statutes under Section 2539.1, were required to pay (1) a \$75 application, (2) a \$280 initial license fee for the hearing aid license, and (3) an additional \$60 application fee for the audiology license (\$35 application fee which is collected for the Temporary RPE License process and the \$25 initial license fee). Under the new provisions, an individual applying for a DAU license, must pay the \$35 application fee for the Temporary RPE License and the \$280 application fee for the DAU license. The \$25 initial license fee would no longer be collected for the DAU.
- In addition, licensed audiologists who dispensed hearing aids under the separate hearing aid license prior to the enactment of the new statutes under Section 2539.1, were required to pay the biennial audiology license renewal fee of \$110 and a separate hearing aid dispensers license fee of \$280 annually. Under the new provisions, licensed audiologists who qualify as DAUs must pay only one license renewal fee for the dispensing audiology license which has been established at \$280 annually. As such, the DAU will save the \$110 biennially (\$55 annually) for the separate license fees previously paid for the audiology license.
- Existing regulations require licensed speech–language pathologists and audiologists to obtain twenty–four (24) hours of CPD course work from a Board–approved provider every two years, coinciding with the biennial license renewal cycles. Of the twenty–four (24) hours required, licensed speech–language pathologists and audiologists may obtain a maximum of four (4) hours in related or indirect client care courses and another six (6) hours in self–study. Licensed

audiologists are also limited to a maximum of number of hours that may be obtained in courses where the content focuses on equipment, devices, or other products of a particular manufacturer or company. The proposed amendments to Section 1399.160.3 would establish a distinct set of CPD requirements for audiologists authorized to dispense hearing aids and would require twelve (12) hours annually with fifty percent (50%) of the requisite CPD hours to be obtained through hearing aid–related courses where the content does not focus on equipment, devices, or other products of a particular manufacturer or company. In addition, the DAU may accumulate one and one–half (1.5) hours in indirect or related client care courses and another one and one–half (1.5) hours in self–study courses. Since completion of CPD is already a mandate for licensed audiologists, licensees already pay for CPD courses. The change noted above does require licensed audiologists authorized to dispense hearing aids to complete a specified number of hours within one year, that being twelve (12) hours of CPD, which is half of the current requirement of twenty–four (24) hours in the two–year license renewal period.

The proposal also specifies the CPD requirements for a DAU who also holds a speech–language pathology license and is a dually licensed practitioner. The provisions would require the dually licensed practitioner to accrue eight (8) hours of CPD for the DAU annual license and sixteen (16) hours of CPD for the biennial speech–language pathology license with relevant limitations on self–study and related course work for each license as reflected in other relevant CPD regulations.

As such, the Board does not believe the change in the CPD requirements results in a cost impact to the licensee. As noted above, continuing education providers are already required to submit course approval applications and fees to the Board for any hearing aid dispenser courses offered to licensees. The proposed changes do not place additional requirements on the Board–approved providers.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses as it

makes changes to provisions regarding licensed dispensing audiologists’ renewal fees and continuing professional development. The proposed changes do not place additional requirements on small business or on individuals eligible for employment by small business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board at 2005 Evergreen Street, Suite 2100, Sacramento, CA 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Annemarie Del Mugnaio
 Address: 2005 Evergreen Street,
 Suite 2100
 Sacramento, CA 95815
 Telephone No.: (916) 263-2909
 Fax No.: (916) 263-2668
 E-Mail Address: Annemarie.delmugnaio@dca.
 ca.gov

The backup contact person is:

Name: Cynthia Alameda
 Address: 2005 Evergreen Street,
 Suite 2100
 Sacramento, CA 95815
 Telephone No.: (916) 263-2291
 Fax No.: (916) 263-2668
 E-Mail Address: Cynthia.alameda@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.speechandhearing.ca.gov.

TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board at its office no later than 5:00 p.m. on August 8, 2011, or must be received by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board at the hearing. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 726, 2531.4, 2531.5, 2531.95 and 3328, Business and Professions Code and Sections 11400.20, 11425.50(e) and 11500, Government Code; and to implement, interpret or make specific Sections 729, 2531.4, 2532.1, 2533, 2533, 3357, 3400, 3401, 3402, and 3403, Business and Professions Code; Sections 11400.20, 11425.50(e) and 11500, Government Code; Section 44010, Education Code; and Section 290, Penal Code; the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board is considering changes to Divisions 13.3 and 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 2531.95 authorizes the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the laws and regulations relating to the practice of Speech-Language Pathology and Audiology and Hearing Aid Dispensing. The Board is proposing the following changes:

Business and Professions Code section 2531.02 mandates that protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

This proposal would make specific regulatory changes to enhance the Board's mandate of consumer protection.

Division 13.3 Hearing Aid Dispensers: Adopts Sections 1399.110, 1399.130, and 1399.130.1 and Amends Section 1399.131

Division 13.4 Speech-Language Pathology and Audiology: Amends Sections 1399.150.3, 1399.151, 1399.155, and 1399.156 and Adopts Section 1399.156.5

Amends Section 1399.150.3

This proposal would delegate authority to the Executive Officer to accept default decisions, to approve settlement agreements for revocation, surrender, or interim suspension of a license.

Adopts Section 1399.110; Amends Section 1399.151

This proposal would authorize the Board to order an applicant for licensure to submit to a physical or mental examination if it appears that the applicant may be unable to perform safely the duties and functions of a licensee due to physical or mental illness affecting his or her competency. Additionally, if after receiving the

evaluation report the Board determines that the applicant is unable to practice safely, the Board may deny the application.

Adopts Sections 1399.130, 1399.130.1 & 1399.156.5; Amends Sections 1399.131, 1399.155, & 1399.156

This proposal would also require that in specific cases of a licensee having sexual contact with a patient or any finding that a licensee has committed a sex offense, or been convicted of a sex offense, a proposed decision would contain an order revoking the license. The proposed order could not contain an order staying the revocation of the license.

Additionally, this proposal would define required disciplinary action to be taken by the Board against registered sex offenders who are applicants or licensees.

The proposal would, in addition to conduct described in Business and Professions Code Sections 2533 and 3401, establish as unprofessional conduct or a violation the inclusion of provisions in civil dispute settlement agreements that prohibit a person from contacting, cooperating with, filing, or withdrawing a complaint with the Board.

The definition of Unprofessional Conduct and expansion of violations would also include failure of the licensee to provide lawfully requested documents; the commission of any act of sexual abuse or misconduct; failure to cooperate with an investigation pending against the licensee; failure to report an indictment, charging a felony, arrest, conviction of the licensee; failure to report any disciplinary action taken by another licensing entity or authority; or failure to comply with a court order issued in the enforcement of a subpoena mandating the release of records to the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it only affects individual licensees.

The Board does not license businesses or small businesses; rather, it licenses individuals to practice as licensed speech–language pathologists, audiologists and hearing aid dispensers. Licensees may work for businesses and, thus, businesses may be indirectly impacted if an individual licensee is affected by the proposed regulation by, for example, having his or her license revoked or otherwise disciplined pursuant to the proposed regulations. The Board has approximately 17,000 licensees.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are costs associated with a disciplinary order. Costs only affect individuals who are applying for licensure or licensees being disciplined.

To the extent that this proposal potentially increases the penalties for individual licensees, an economic impact could occur with the fees licensees may pay for attorney services. The fees would vary depending on the complexity, and amount of time an attorney would devote to a case.

Additionally, applicants who would be required to submit to medical or mental evaluations may incur costs for these evaluations, costing on average of \$1,000.

There will be no economic impact on licensees who do not violate the law.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations are applicable only to applicants or licensees who are disciplined by the Board.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. It may be obtained upon request from the Board at 2005 Evergreen Street, Suite 2100, Sacramento, California 95815 or on the Board's website at: www.speechandhearing.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 2100, Sacramento, California 95815 or on the Board's website: www.speechandhearing.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Annemarie Del Mugnaio
Address: 2005 Evergreen Street,
Suite 2100
Sacramento, CA 95815
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-Mail Address: annemarie.delmugnaio@dca.ca.gov

The backup contact person is:

Name: Cynthia Alameda
Address: 2005 Evergreen Street,
Suite 2100
Sacramento, CA 95815
Telephone No.: (916) 263-2291
Fax No.: (916) 263-2668
E-Mail Address: Cynthia.alameda@dca.ca.gov

Website Access: Materials regarding this proposal can be found at: www.speechandhearing.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) PROPOSES TO ELIMINATE ADULT DAY HEALTH CARE (ADHC) SERVICES THAT MAY PROMPT ADJUSTMENT IN THE PROSPECTIVE PAYMENT SYSTEM (PPS) REIMBURSEMENT RATES FOR FEDERALLY QUALIFIED HEALTH CENTERS (FQHC) AND RURAL HEALTH CLINICS (RHC)

This notice provides information of public interest with respect to the newly enacted mandates in the Welfare and Institutions (W&I) Code Sections 14589 and 14589.5 eliminating ADHC services. The elimination of ADHC services may prompt an adjustment in the PPS reimbursement rates per visit for FQHCs and RHCs. DHCS has submitted to the Centers for Medicare and Medicaid Services (CMS) the necessary Medicaid State Plan amendments to implement W&I Code Sections 14589 and 14589.5. The state proposes to implement W&I Code Sections 14589 and 14589.5 on September 1, 2011, if federal approval from CMS is received by June 30, 2011. Per statute, DHCS shall implement elimination of ADHC services on the first day of the first calendar month following 60 days after the date the department secures all necessary federal approvals.

Elimination of ADHC Services May Prompt Adjustment in the PPS Reimbursement Rates for FQHCs and RHCs

The proposed amendments in California's Medicaid State Plan to eliminate ADHC services will decrease

the scope-of-service provided at FQHCs and RHCs. According to California's Medicaid State Plan, FQHCs and RHCs must submit a scope-of-service change request when the FQHC or RHC experiences a change in the scope of services provided by the FQHC or RHC that would result in an average per visit rate decrease in excess of 2.5 percent. The scope-of-service change may result in an adjustment of the FQHC's and RHC's PPS reimbursement rate per visit.

Public Review and Comment

The California statutes discussed above are available for public review at local county welfare offices throughout the State. Written comments (or requests for copies of the statutes and/or copies of the written comments) may be submitted to: Janice Spitzer, Chief, Benefits Analysis Section; Medi-Cal Benefits, Waiver Analysis and Rates Division; Department of Health Care Services; MS 4600; P.O. Box 997417; Sacramento, CA 95899-7417.

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH CARE SERVICES MAY PROVIDE SUPPLEMENTAL PAYMENTS TO HOSPITALS UP TO THE FEDERAL UPPER PAYMENT LIMIT

This notice is to provide information of public interest with respect to supplemental payments that are proposed to be made to specified hospitals for hospital inpatient and outpatient services provided to Medi-Cal beneficiaries. This notice also is to provide information with respect to a proposed increase in payments that may be made to Medi-Cal managed care health plans.

The supplemental payments to hospitals would be up to the aggregate upper payment limit for the category of hospitals receiving the payments for the period of July 1, 2011, through June 30, 2012. These payments would be made periodically (quarterly or with respect to other time periods) on a lump-sum basis throughout each fiscal year, and would not be paid as individual increases to current reimbursement rates for specific services. The increased payments to Medi-Cal managed care health plans also would be for the period of July 1, 2011, through June 30, 2012, and would be subject to actuarial and other federal limits.

The proposed additional payments to hospitals and managed care plans are subject to approval by the federal Centers for Medicare & Medicaid Services.

A description of the proposed California legislation that will amend the Welfare and Institutions Code to make the changes described in this notice is available for public review at local county welfare offices throughout the State. A copy of the description may also be requested, in writing from Mr. Bob Sands, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436.

Written comments concerning the proposal may be mailed to Mr. Sands at the above address.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

PUBLIC FORUM AND EXTENSION OF PUBLIC COMMENT PERIOD FOR CHEMICALS BEING CONSIDERED FOR LISTING BY THE AUTHORITATIVE BODIES MECHANISM: HYDROGEN CYANIDE AND CYANIDE SALTS

June 24, 2011

On May 13, 2011, the California Environmental Protection Agency's (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA) published a notice requesting information as to whether hydrogen cyanide and cyanide salts meet the authoritative bodies listing criteria set forth in the Proposition 65 regulations in Title 27, Cal. Code of Regulations, section 25306.¹

OEHHA has received a request from the CN (Cyanide) Council for a public forum to present oral com-

¹ All referenced sections are from Title 27 of the Cal. Code of Regulations.

ments concerning the potential listing of hydrogen cyanide and cyanide salts. Therefore, through this notice OEHHA announces that a public forum will be held on Wednesday, July 20, 2011, from 10 a.m. to 12 p.m. in the Sierra Hearing Room at the Cal/EPA Headquarters Building, 1001 I Street, Sacramento, California 95814. The meeting will be available via webcast. On the day of the forum, the link to the webcast will be posted on the OEHHA web site at http://www.oehha.ca.gov/prop65/whats_new/index.html. At the forum, the public may present scientific data and other relevant information on whether hydrogen cyanide and cyanide salts meet the criteria for listing in Section 25306. In addition, a request was received to extend the comment period to allow for the submission of complete and relevant scientific information for these chemicals. OEHHA hereby extends the written public comment period until 5:00 p.m. on Wednesday, August 3, 2011.

We encourage you to submit written comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
June 24, 2011**

**TENTATIVE AGENDA FOR THE July 12
and 13, 2011 MEETING OF THE
DEVELOPMENTAL AND REPRODUCTIVE
TOXICANT IDENTIFICATION COMMITTEE**

Note: The venue has changed for the July 12 meeting date. On July 12, the meeting will be held in the Byron Sher Auditorium at the California Environmental Protection Agency (Cal/EPA) Headquarters Building, 1001 I Street, Sacramento, California and will begin at 10:00 a.m. and end at 5:00 p.m. On July 13, the meeting will reconvene in the Coastal Hearing Room at the Cal/EPA Headquarters Building, and will begin at 9:00 a.m. and continue until all business has been conducted, or 5:00 p.m.

The Developmental and Reproductive Toxicant Identification Committee of OEHHA's¹ Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause reproductive toxicity (Health and Safety Code section 25249.8). The Committee serves as the "State's Qualified Experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

A public meeting of this committee will be held on Tuesday and Wednesday, July 12 and 13, 2011. The meeting will be available via webcast. On the day of the meeting, the link to the webcast will be posted on the OEHHA web site at http://www.oehha.ca.gov/prop65/whats_new/index.html. If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or coshita@oehha.ca.gov by July 6, 2011. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

TENTATIVE AGENDA

- I. WELCOME AND OPENING REMARKS
- II. CONSIDERATION OF A CHEMICAL AS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY
 - A. Sulfur Dioxide
 - Staff presentation
 - Public comments
 - Committee discussion and decision
- III. PRIORITIZATION OF CHEMICALS FOR FUTURE DEVELOPMENTAL AND REPRODUCTIVE TOXICANT IDENTIFICATION COMMITTEE REVIEW
 - Staff presentations on five chemicals (benzo(a)pyrene, deltamethrin, methyl parathion, uranium, and xylene)

¹ The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code, section 25249.5 et seq. (commonly known as Proposition 65).

- Public comments
- Committee discussion and recommendations regarding possible development of hazard identification materials

IV. PROPOSITION 65 LISTING MECHANISMS (INFORMATIONAL ITEM)

- Staff presentations
- Public comments
- Committee discussion

V. CONSIDERATION OF THE DESIGNATION OF THE NATIONAL TOXICOLOGY PROGRAM (NTP) AS AN AUTHORITATIVE BODY

- Staff presentation
- Presentation by Dr. Kris Thayer, National Toxicology Program
- Committee consideration of identification of NTP as an authoritative body and consideration of the petition filed on August 5, 2010 on behalf of the Polycarbonate/BPA Global Group of the American Chemistry Council to reconsider the designation of NTP-CERHR (Center for the Evaluation of Risks to Human Reproduction) as an authoritative body for purposes of identifying reproductive toxins
- Public comments
- Committee discussion and decision

VI. UPDATE OF THE LIST OF “CHEMICALS WHICH HAVE NOT BEEN ADEQUATELY TESTED AS REQUIRED”²

VII. STAFF UPDATES

V. SUMMARY OF COMMITTEE ACTIONS

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

653–7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011–0503–09

ATHLETIC COMMISSION

Contracts, Courtesy Passes, Ringside Physicians, Time for Exam

This action updates the regulations to clarify the Commission’s understanding that boxing promoters are subject to the regulations applicable to managers and the obligation of participants to file all contracts with the Commission. It also adopts a rule to distinguish between a technical knockout and a technical draw when a bout is terminated before the fourth round due to the injury of a fighter.

Title 4

California Code of Regulations

ADOPT: 340 AMEND: 221, 222, 226, 230, 288, 300

REPEAL: 262

Filed 06/15/2011

Effective 07/15/2011

Agency Contact: Dale Chessey (916) 263–2195

File# 2011–0526–02

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Residence Restrictions on Paroled Sex Offenders

This emergency adoption of regulations as an operational necessity establishes rules regarding the residence restrictions for paroled sex offenders. Specifically, this rulemaking adds necessary definitions of terms, establishes residence restrictions for sex offenders and high risk sex offenders and corresponding parole agent supervision and verification duties, and also establishes certain exceptions which enable sex offenders to enter at certain addresses without being considered to have established a residence at any such address.

Title 15

California Code of Regulations

ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3

AMEND: 3000

Filed 06/15/2011

Effective 06/15/2011

Agency Contact: Josh Jugum (916) 445–2228

File# 2011–0510–02

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Lockdown and Modified Program Definitions

The California Department of Corrections and Rehabilitation amended sections 3000, 3045.3, 3123, 3134, 3250.4, 3269.1, 3274, 3383, and 3482 of title 15 of the California Code of Regulations to add a definition for “Modified Program”, amend the existing definition of “Lockdown” to distinguish between the two, and add

² Title 27, Cal. Code of Regulations, section 27000.

the term “Modified Program” to existing sections on “Lockdown” to give the institutions latitude to utilize the appropriate operational status.

Title 15
California Code of Regulations
AMEND: 3000, 3045.3, 3123, 3134, 3250.4,
3269.1, 3274, 3383, 3482
Filed 06/14/2011
Effective 07/14/2011
Agency Contact: Alex Alanis (916) 445-2227

File# 2011-0609-01
DEPARTMENT OF FOOD AND AGRICULTURE
European Grapevine Moth Interior Quarantine

This emergency action amends the recently established European Grapevine Moth (EGVM) Interior Quarantine in Nevada County by adding approximately 73 square miles in the Nevada City area. The proposed amendment merges the new quarantine area with the existing regulated area in the Grass Valley area. The total regulated area in Nevada County will be approximately 176 square miles and the total regulated area in the State will be approximately 2,247 square miles.

Title 3
California Code of Regulations
AMEND: 3437(b)
Filed 06/15/2011
Effective 06/15/2011
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2011-0428-01
DEPARTMENT OF PUBLIC HEALTH
General License Requirements

This regulatory action makes some amendments to the requirements for a general license allowing a person to possess and use certain types of devices containing radioactive material (RAM) or specific amounts of RAM isotopes. The purpose of these changes is to maintain California’s continuing compatibility with the U.S. Nuclear Regulatory Commission regulations.

Title 17
California Code of Regulations
ADOPT: 30108.1, 30226 AMEND: 30108, 30115,
30125, 30145, 30190, 30191, 30192, 30192.1,
30192.2, 30192.3, 30192.4, 30192.5, 30192.6,
30225, 30257 REPEAL: 30236
Filed 06/08/2011
Effective 07/08/2011
Agency Contact: Marylyn Willis (916) 440-7807

File# 2011-0606-02
FISH AND GAME COMMISSION
Recreational and Commercial Groundfish Fishing

This regulatory action makes state regulations consistent with new federal regulations for recreational and commercial groundfish.

Title 14
California Code of Regulations
AMEND: 27.20, 27.25, 27.30, 27.32 (renumbered to 27.35), 27.35 (renumbered to 27.40), 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 52.10, 150.16 REPEAL: 27.40, 28.51, 28.52, 28.53, 28.57
Filed 06/09/2011
Effective 06/09/2011
Agency Contact:
Sherrie Fonbuena (916) 654-9866

File# 2011-0525-01
FISH AND GAME COMMISSION
Southeast Farallon Island Special Closure

On August 5, 2009, the California Fish and Game Commission (Commission) adopted regulations to implement marine protected areas in the north central coast region of California. These regulations went into effect May 1, 2010. Subsequent to their implementation, an error was identified in the regulations for the special closure established for Southeast Farallon Island. The Commission proposes to amend section 632(b)(33) of title 14 of the California Code of Regulations to add a seasonal component to the otherwise year-round closure area between Fisherman’s Bay and East Landing within the Southeast Farallon Island Special Closure as originally intended and reflected in the maps and supporting documentation in the 2009 rule-making action.

Title 14
California Code of Regulations
AMEND: 632
Filed 06/13/2011
Effective 07/13/2011
Agency Contact:
Sherrie Fonbuena (916) 654-9866

File# 2011-0519-04
PHYSICAL THERAPY BOARD OF CALIFORNIA
Assistive Personnel Supervision & Patient Records

The Physical Therapy Board of California amended sections 1398.44, 1399, and 1399.85 of title 16 of the California Code of Regulations regarding assistive personnel supervision and patient records.

Title 16
California Code of Regulations
AMEND: 1398.44, 1399, 1399.85
Filed 06/14/2011
Effective 07/14/2011
Agency Contact: Rebecca Marco (916) 561-8260

File# 2011-0505-01
STATE WATER RESOURCES CONTROL BOARD
Central Coast San Lorenzo River Watershed Basin Plan
Amendment Pathogen

This action approves the Central Coast Regional Board's plan to remove the shellfish harvesting beneficial use designation from the San Lorenzo River Estuary, prohibit the discharge of human and animal fecal waste on lands in the watershed, and establish the Total Maximum Daily Load for pathogens in the San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek and Lompico Creek.

Title 23
California Code of Regulations
ADOPT: 3929.6
Filed 06/08/2011
Effective 06/08/2011
Agency Contact:
Michael Buckman (916) 341-5479

File# 2011-0427-01
STATE WATER RESOURCES CONTROL BOARD
Water Quality Control Plan for Enclosed Bays and Estuaries — Part 1

The State Water Resources Control Board submitted this action to amend the Water Quality Control Plan for Enclosed Bays and Estuaries, Part 1, Sediment Quality (SQO Plan, Part 1), which was adopted in 2008. The amendments, as adopted on April 6, 2011, modify the regulatory provisions of the SQO Plan, Part 1 to include the following:

* A narrative sediment quality objective that protects wildlife and resident finfish from both direct exposure to toxic pollutants in sediment and indirect exposure to pollutants in sediment that bioaccumulate up the food web

* A requirement to utilize ecological risk assessment to implement this narrative

* Additions to the glossary and supersession language to provide additional clarity

Title 23
California Code of Regulations
AMEND: 3006
Filed 06/08/2011
Effective 07/08/2011
Agency Contact: Chris Beegan (916) 341-5577

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN January 19, 2011 TO
June 15, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

06/07/11 AMEND: 640
05/12/11 AMEND: 1859.83
05/04/11 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 AMEND: 1181.1, 1181.2
04/28/11 AMEND: 18427.1
04/28/11 AMEND: 1859.90.2
04/27/11 AMEND: 1859.76
04/21/11 REPEAL: 18420.5
04/21/11 AMEND: 18465
04/21/11 ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197
04/11/11 AMEND: 321
04/06/11 AMEND: 59.3
04/05/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2
04/01/11 AMEND: 18734
03/30/11 AMEND: 64.5
03/28/11 AMEND: 599.550
03/09/11 ADOPT: 552
03/08/11 ADOPT: 18451 REPEAL: 18451, 18452, 18453
03/07/11 AMEND: 18404.1
03/07/11 AMEND: 18435, 18450.4
03/03/11 AMEND: 1897
02/23/11 AMEND: 18734, 18751
02/17/11 AMEND: 18116
02/17/11 AMEND: 18239
02/17/11 ADOPT: 18401.1, 18435.5
02/15/11 AMEND: 599.500, 599.501
01/28/11 ADOPT: 559
01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4 AMEND: Heading for Subchapter 1.3 — Article 25
01/25/11 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104

Title 3

06/15/11 AMEND: 3437(b)

05/31/11	AMEND: 3437(b)	5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590
05/11/11	ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860	03/17/11 AMEND: 202, 210, 214, 246, 247, 248, 249, 252, 254, 264, 266, 267, 304, 332, 334, 335, 364, 385, 510, 533, 541, 545, 609
04/20/11	AMEND: 3434	03/07/11 ADOPT: 8035.5
04/14/11	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407	03/07/11 ADOPT: 8078.2 AMEND: 8070, 8072
04/07/11	AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2, 6452.3, 6452.4, 6536, 6626	03/03/11 REPEAL: 4002.2(a)
03/18/11	AMEND: 3434(b) and (c)	02/16/11 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164
03/18/11	AMEND: 3434(b)	01/24/11 ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205
03/14/11	AMEND: 3408	
03/01/11	AMEND: 3558	
02/17/11	AMEND: 3437	
02/15/11	AMEND: 3430	
02/15/11	ADOPT: 820.55 AMEND: 820, 820.3, 820.6, 820.7	Title 5
02/10/11	AMEND: 3601	05/23/11 ADOPT: 13075.3, 13075.6, 13075.7, 13075.8, 13075.9 AMEND: 13075.1, 13075.2, 13075.4 (renumbered from 13075.3), 13075.5 (renumbered from 13075.4)
02/10/11	AMEND: 3434(b), (c)	05/02/11 ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846
02/10/11	AMEND: 3423(b)	05/02/11 ADOPT: 80036.4 AMEND: 80034, 80036, 80036.1, 80036.2, 80036.3, REPEAL: 80036.5
Title 4		04/13/11 AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 (now 862.5), 864, 864.5, 866, 868
06/15/11	ADOPT: 340 AMEND: 221, 222, 226, 230, 288, 300 REPEAL: 262	04/12/11 ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240
05/31/11	AMEND: 8078.2	03/28/11 ADOPT: 75010, 75100, 75500 AMEND: 74120, 74130, 74160, 74170
04/18/11	AMEND: 10302, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328	03/24/11 ADOPT: 30001.5
04/01/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036	03/21/11 ADOPT: 10120 AMEND: 10070, 10071, 10075
04/01/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533,	03/15/11 ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807
		03/01/11 ADOPT: 1216.1
		02/22/11 ADOPT: 42398
		02/22/11 AMEND: 42375
		01/20/11 ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033
		Title 7
		03/17/11 ADOPT: 211.5

03/14/11	AMEND: 217	02/10/11	ADOPT: 2593, 2593.1, 2593.2, 2593.3, 2593.4, 2593.5, 2593.6, 2593.7
02/02/11	AMEND: 215	02/02/11	AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721
Title 8		01/31/11	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
06/02/11	AMEND: 5154(j)(1)	01/24/11	AMEND: 2222.12
05/31/11	AMEND: 5155	Title 11	
05/20/11	AMEND: 341.13, 341.14, 341.16, 341.17	06/06/11	AMEND: 51.7
05/03/11	AMEND: 3657	06/01/11	AMEND: Article 20, section 51.2
05/02/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464	05/31/11	AMEND: Article 20, section 51.25
04/26/11	AMEND: 3209	05/25/11	ADOPT: Article 20, section 51.27
04/18/11	ADOPT: 9792.5.0, 9792.5.1, 9792.5.2, 9792.5.3 AMEND: 9792.5	05/24/11	AMEND: Article 20, section 51.15
04/18/11	AMEND: 344.30	05/24/11	AMEND: Article 20, section 51.24
04/13/11	AMEND: 3380	04/19/11	AMEND: 1005, 1007, 1008
03/28/11	AMEND: 3668(a)	04/19/11	AMEND: 1018
03/17/11	AMEND: 7102, 7104, 7160, 7178	04/13/11	AMEND: 1054
03/17/11	AMEND: 3207	04/11/11	ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
03/07/11	AMEND: 3328	03/30/11	AMEND: 9070, 9072, 9073, 9077
02/01/11	AMEND: 5291	03/16/11	AMEND: 2037
01/20/11	AMEND: 344.6, 344.16, 344.18	01/31/11	ADOPT: 4075 AMEND: 4047, 4049, 4050, 4051, 4052, 4053, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4070, 4071, 4072, 4073, 4074 REPEAL: 4055
Title 10		Title 13	
05/31/11	REPEAL: 2274.74, 2274.77	04/01/11	AMEND: 553.70
05/23/11	AMEND: 2698.99	03/07/11	AMEND: 2477
05/16/11	AMEND: 2498.6	02/24/11	ADOPT: 551.21
05/04/11	ADOPT: 260.004.1	02/24/11	ADOPT: 551.19, 551.20, 551.23, 551.24, 551.25 AMEND: 550, 551.2, 551.11, 551.12
04/25/11	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.4.5, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.122.15, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317	02/22/11	AMEND: 551.14, 555.1, 584
04/18/11	AMEND: 2188.65, 2695.180	02/16/11	AMEND: 594, 595, 597 REPEAL: 593
04/06/11	AMEND: 2498.4.9	02/15/11	AMEND: 567, 583, 591, 593.1, 593.3
04/06/11	AMEND: 2498.4.9	02/15/11	AMEND: 272.00, 272.02
03/22/11	AMEND: 2498.4.9	01/27/11	AMEND: 2621(i), 2623
03/16/11	ADOPT: 2632.13.1 AMEND: 2632.13	01/19/11	AMEND: 1961
03/16/11	AMEND: 5500, 5501, 5505, 5506, 5507	Title 13, 17	
03/03/11	ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596	01/20/11	AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3
		Title 14	
		06/13/11	AMEND: 632
		06/09/11	AMEND: 27.20, 27.25, 27.30, 27.32 (renumbered to 27.35), 27.35 (renumbered to 27.40), 27.45, 27.50,

	27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 52.10, 150.16 REPEAL: 27.40, 28.51, 28.52, 28.53, 28.57	05/24/11	ADOPT: 1810.1, 1810.2, 1816.8, 1820, 1820.5, 1821, 1822 AMEND: 1800, 1802, 1803, 1804, 1805, 1805.1, 1806, 1807, 1807.2, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1816.1, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1819.1, 1832, 1833.1, 1833.2, 1850.6, 1850.7, 1870, 1870.1, 1874, 1877, 1880, 1881, 1886, 1886.10, 1886.20, 1886.30, 1886.40, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.5, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14, 1888
05/19/11	AMEND: 632	05/18/11	AMEND: 124
05/12/11	ADOPT: 28301	05/18/11	AMEND: 1536
05/11/11	AMEND: 27.80	05/09/11	ADOPT: 360, 363.1, 370 AMEND: 355 now 371, 356 now 361, 356.5 to 362, 357 now 363, 358 now 364, 360 now 366, 355.1 now 372, 359 now 365 REPEAL: 355.2
05/03/11	AMEND: 790, 815.05, 816.01, 816.02, 816.03, 816.05, 817.02, 817.03, 818.02, 818.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.05, 827.01, 827.02	04/28/11	ADOPT: 1131, 1132
05/02/11	AMEND: 925.7, 925.10, 926.9, 926.10, 927.5, 928.5, 928.6, 945.4, 965.4	04/28/11	AMEND: 4150, 4151, 4152.1, 4153, 4154, 4155
05/02/11	AMEND: 898.2	04/26/11	AMEND: 1306
04/29/11	ADOPT: 1570, 1571, 1572, 1572.1, 1572.2, 1573, 1573.1, 1573.2, 1573.3, 1573.4, 1573.5, 1573.6, 1574, 1575, 1575.1, 1575.2, 1575.3, 1576	04/25/11	AMEND: 48.3
04/25/11	AMEND: 1670	04/25/11	AMEND: 600.1, 601.5, 602, 602.1, 603, 605, 607.4, 608.3, 627, 634, 635, 645
04/06/11	ADOPT: 749.6	04/15/11	ADOPT: 2007, 2010.05 AMEND: 2085.1
04/01/11	AMEND: 27.80	04/14/11	AMEND: 70
03/09/11	ADOPT: 703 AMEND: 671, 671.1, 671.7	04/14/11	ADOPT: 2086, 2086.1, 2086.2, 2086.3, 2086.4, 2086.5, 2086.6, 2086.7, 2086.8, 2086.9
02/24/11	AMEND: 11600	04/12/11	AMEND: 1328
02/17/11	REPEAL: 19020, 19021, 19022, 19023, 19024, 19025	04/11/11	AMEND: 404, 424, 425, 438 REPEAL: 460
02/08/11	AMEND: 817.02	03/17/11	AMEND: 2260, 2266, 2282, 2282.1
02/07/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.9, 956.9, 1052, 1052.1, 1052.2	03/14/11	ADOPT: 4125 AMEND: 4123
Title 15		03/09/11	ADOPT: 1007, 1008 AMEND: 1017.2
06/15/11	ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000	03/03/11	AMEND: 375
06/14/11	AMEND: 3000, 3045.3, 3123, 3134, 3250.4, 3269.1, 3274, 3383, 3482	03/03/11	AMEND: 117
06/02/11	AMEND: 3378	03/01/11	AMEND: 1399.157, 1399.160.3, 1399.160.6
05/26/11	ADOPT: 1747.1, 1749.1, 1750.1 AMEND: 1706, 1747, 1748, 1749, 1750, 1752, 1756, 1757, 1767	02/23/11	AMEND: 400, 401, 404, 463.5, 3000, 3003, 3021, 3065
05/26/11	AMEND: 3025, 3291, 3296, 3300, 3301, 3383, 3397 REPEAL: 3302	02/08/11	AMEND: 1518, 1523, 1531, 1532, 1533, 1561
05/13/11	REPEAL: 1	02/02/11	ADOPT: 1381.7, 1381.8, 1381.9
05/11/11	AMEND: 3335	02/01/11	ADOPT: 87.9, 88.2, 90
04/29/11	ADOPT: 3359.1, 3359.2, 3359.3, 3359.4, 3359.5, 3359.6, 3359.7 AMEND: 3000	01/31/11	AMEND: 2000, 2010, 2010.1, 2015, 2015.2, 2020, 2023, 2024 REPEAL: 2014.5, 2017, 2018
04/15/11	ADOPT: 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5, 3769.6		
03/28/11	AMEND: 3269		
03/09/11	ADOPT: 3800, 3800.1, 3800.2, 3800.3		
03/03/11	ADOPT: 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3522, 3523, 3525, 3526, 3527		
02/18/11	AMEND: 4710, 4711, 4712, 4713, 4714		
Title 16			
06/14/11	AMEND: 1398.44, 1399, 1399.85		
06/06/11	AMEND: 4144 now 4147		

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01/27/11	AMEND: 3394.3, 3394.4, 3394.5, 3394.6, 3394.7	66264.100, 66265.90, 66265.91, 66265.97, 66265.98, 66265.99
Title 17		03/22/11 AMEND: 66250, 66250.1, 66250.2
06/08/11	ADOPT: 30108.1, 30226 AMEND: 30108, 30115, 30125, 30145, 30190, 30191, 30192, 30192.1, 30192.2, 30192.3, 30192.4, 30192.5, 30192.6, 30225, 30257 REPEAL: 30236	02/15/11 ADOPT: 4451 AMEND: 4400, 4401.5, 4405, 4417, 4427, 4429, 4447
05/19/11	AMEND: 93115.3, 93115.4, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.13	Title 23
04/21/11	AMEND: 7583	06/08/11 ADOPT: 3929.6
03/07/11	ADOPT: 100801	06/08/11 AMEND: 3006
02/17/11	AMEND: 52170, 52172, 52173	05/31/11 ADOPT: 3939.39
02/02/11	ADOPT: 95350, 95351, 95352, 95353, 95354, 95355, 95356, 95357, 95358, 95359	05/12/11 ADOPT: 3909.1
Title 18		05/06/11 ADOPT: 3939.38
01/31/11	AMEND: 1506	04/04/11 ADOPT: 3990
Title 19		03/17/11 ADOPT: 3949.7
05/12/11	ADOPT: 2991, 2992, 2993, 2993.1, 2994, 2994.1, 2995, 2995.1, 2996, 2996.1, 2997, 2998, 2999	01/19/11 ADOPT: 3775.5, 3776, 3779.5 AMEND: 3720, 3721, 3722, 3723, 3730, 3733, 3740, 3741, 3742, 3750, 3751, 3762, 3763, 3775, 3777, 3778, 3779, 3780, 3781 (Appendices A and C) REPEAL: 3760, 3761, 3764, 3776, 3782
02/18/11	ADOPT: 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 2999.1, 2999.2, 2999.3, 2999.4, 2999.5 AMEND: 2900	Title 25
Title 20		03/07/11 AMEND: 5002, 5010, 5040
05/09/11	ADOPT: 8.2 AMEND: 1.4, 1.5, 1.6, 1.8, 1.9, 1.10, 1.13, 1.15, 2.4, 2.5, 2.6, 3.1, 3.2, 4.1, 4.2, 4.3, 7.2, 8.1, 8.3, 8.4, 8.5, 8.6, 10.2, 13.7, 14.1, 14.2, 14.3, 14.5, 14.6, 16.1, 16.2, 16.6, Table of Filing Fees REPEAL: 8.5	02/18/11 ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616
03/24/11	ADOPT: 2700, 2701, 2702, 2703, 2704	02/10/11 ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324
Title 21		01/28/11 AMEND: 3070, 4204, 4210, 4212
01/25/11	AMEND: 6680	01/26/11 ADOPT: 7980, 7980.1, 7980.2, 7980.3
Title 22		Title 27
05/17/11	ADOPT: 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52600 AMEND: 52000, 52502, 52503, 52504, 52505, 52507, 52516	03/30/11 AMEND: 25805
05/12/11	AMEND: 1256-9, 1256-10	03/17/11 AMEND: 25801, 25803
04/25/11	AMEND: 2708(c)-1	02/16/11 AMEND: 27001
04/21/11	AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465-E	01/26/11 AMEND: 25705
04/12/11	AMEND: 66264.90, 66264.94, 66264.97, 66264.98, 66264.99	01/26/11 AMEND: 25705
		Title MPP
		06/02/11 AMEND: 31-002, 31-075, 31-206, 31-320, 31-505, 31-510
		02/15/11 AMEND: 16-015, 16-120, 16-601 REPEAL: 16-315
		01/31/11 AMEND: 31-021